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Docket No. S63.2-5331

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Rule  
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32. 3T. (New) A medical device insertable in the body, said medical device having a noncontinuous coating, said noncontinuous coating having a pattern selected from the group consisting of a waffle pattern, a stripe pattern and a pattern having circular perforations.
33. 32. (New) The medical device of Claim 1 wherein said coating comprises at least one thermoplastic polymer, at least one thermosetting polymer, or mixture thereof.

#### Remarks

Claim 28 has been amended to correct the antecedent basis.

Claims 1-8 and 23-29 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Porter et al. in view of Muni.

Claim 1 has been amended. Claims 2 and 29 depend from claim 1. Based on the foregoing amendment to claim 1, applicants respectfully request withdrawal of the rejection of claims 1-2 and 29 over Porter et al. in view of Muni.

Applicant traverses the rejection with respect to claims 3-8 and 23-29.

Porter et al. describes a *stent* comprising at least one expandable, flexible fiber composite which comprises a plurality of fibers and a curable material in contact with the fibers. Upon curing of the curable material, the fibers are bonded together to form a rigid support structure.

Muni describes a *nonuniform polymer coating on a catheter shaft to reduce friction* and to maintain a catheter with a low profile. Muni describes coating *only the catheter shaft*, and not a *dilatation balloon*. Also, Muni describes only sputter-coating to provide the non-uniform coating. See col. 5, lines 46-64 where Muni states that "...the shaft or tubular body 12 is *sputter-coated* with a polymeric material to reduce friction between the catheter and blood vessels and produce a lubricious, nonuniform

coating on the tubular body 12.” There is no reference in Muni to any other coating methods.

Independent claim 3 is directed to a dilatation balloon having a non-continuous protective coating. Porter et al. describe stents. Muni et al. describe lubricious, nonuniform coatings on a catheter shaft. Combining the coatings of Muni with the stents of Porter et al. does not lead one of skill in the art to a dilatation balloon having a protective coating.

Independent claim 23 is directed to a medical device having a substantially uniform protective coating on a surface thereof. As Muni describes **nonuniform** lubricious coatings, Applicant submits that combining Muni with Porter et al. would not lead one of ordinary skill in the art to the invention of claim 23.

Independent claim 27 is directed to a catheter **balloon**. Combining the nonuniform sputter-coatings of Muni, which are for reducing friction on a catheter shaft, with the stent as described in Porter et al., does not lead one of ordinary skill in the art to a catheter balloon coated with a protective coating, but rather to a stent with a nonuniform coating for reducing friction.

To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.** In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See also MPEP Section 2143. Applicant submits that the references as combined do not suggest all the claim limitations for any of independent claims 3, 23, 27 or of claim 1 as now amended.

Claims 4-8 depend from claim 3 and are seen to be patentable for at least the reasons that claim 3 is patentable. Claims 24-26 depend from claim 23 and are seen to be patentable for at least the reasons that claim 23 is patentable. Claim 28 depends

from claim 27 and is seen to be patentable for at least the reasons that claim 27 is patentable.

For the reasons given above, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of independent claims 3-8 and 23-28 over Porter et al. in view of Muni.

New claim 30 is seen to be patentable for at least the reasons that claims 27-28 are patentable.

### **CONCLUSION**

Claims 1-8 and 29-31 are pending in the application. Applicant has addressed each of the issues presented by the Office Action. Applicant respectfully requests reconsideration and an early allowance of the claims as presented.

1. (Twice Amended) [An] A medical device insertable in the body, said medical device having a substantially uniform noncontinuous protective surface coating[, said coating comprising at least one thermoplastic polymer, at least one thermosetting polymer, or mixture thereof and said coating being noncontinuous on said medical device].

27. (Amended) A dilatation balloon [having improved durability] formed from a thermoplastic polymer, said balloon having a protective coating applied to said dilatation balloon in a substantially [uniform] discontinuous pattern.

28. (Amended) The [medical device] dilatation balloon of Claim 27 wherein said coating is applied in the form of a waffle pattern, stripe pattern or a pattern having circular perforations.

*Amendment and Response*  
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Respectfully submitted,

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